

**Department of Law**  
*City Hall*  
*(914) 654-2120*



*515 North Avenue*  
*New Rochelle, NY 10801*  
*Fax: (914) 654-2345*

**MARK W. BLANCHARD**  
*Corporation Counsel*

**BRIAN J. POWERS**  
*Deputy Corporation Counsel*

**City of New Rochelle**  
**New York**

**May 29, 2015**

Honorable Judith C. McCarthy  
United States Magistrate Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: Llewellyn Angelo Williams v. City of New Rochelle, et al.  
13 CV 3315 (NSR)(JCM)

Dear Judge McCarthy:

This office is representing the Defendants, the City of New Rochelle and all of the individually named officers, in the above-referenced matter.

I am writing in advance of the scheduled June 18 status conference because there are numerous, outstanding discovery issues with the plaintiff. The letter, e-mails and telephone call to plaintiff's counsel have not done anything to resolve these issues and have in fact not been responded to at all.

At the last conference before you on April 22, 2015, you directed the plaintiff to provide responses to the various outstanding demands by April 30, including all the various authorizations originally requested on January 13.

Mr. Smith provided on April 22, 2015 a response to the Defendants' Interrogatories, and a response on April 30, 2015 to the January 13 demands. Both responses were deficient and I advised counsel of such in a letter dated May 4, 2015 of the specific deficiencies of his responses. This letter was faxed and e-mailed to Mr. Smith on May 4. (Copy attached.) I have received no response from Mr. Smith to my May 4 letter.

On May 26, I sent Mr. Smith a further e-mail and left him a voice mail asking that he call me about the discovery that was still owed. To date, I have received no response to either.

Under the circumstances, I am requesting that the June 18 conference be a pre-motion conference under Local Rule 37.2. I will be seeking permission to file a motion for an order pursuant to Federal Rules of Civil Procedure 37(b)(2)(A)(iii) striking plaintiff's pleadings and dismissing plaintiff's complaint based upon his failure to provide discovery in this matter as required by the order of this Court.

Parenthetically, I also note that the plaintiff, apparently without the knowledge of his attorney and without having requested a pre-motion conference with District Judge Roman, has filed a motion apparently seeking injunctive relief. According to that filed "motion", the application is being made before Chief Judge Preska. Those are documents 61, 62 and 63 of ECF file in this matter.

I thank you for your consideration of this letter. If the Court requires anything further, please advise and I will be happy to provide such.

Very truly yours,



BRIAN J. POWERS (BP-1992)  
Deputy Corporation Counsel  
(914) 654-2126

BJP/hs

cc:

Russell B. Smith, Esq.  
Attorney for Plaintiff  
399 Knollwood Road, Suite 220  
White Plains, New York 10603